

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JOHN R. MCLEAN

v.

UNITED STATES OF AMERICA

*

*

*

*

*

*

Civil No. JFM-16-3626

Criminal No. – JFM-10-0531


MEMORANDUM

John R. McLean has filed a motion to vacate, set aside or correct sentence (document 139). The motion will be denied on the ground that it is untimely.

McLean's conviction was affirmed by the Fourth Circuit in 2013. *United States v. McLean*, 715 F.3d 129 (4th Cir. 2013). He did not file a petition for certiorari. He claims, however, that the one-year period set by 28 U.S.C. §2255 should not be deemed to have begun to run until the Supreme Court's decision in *Molina-Martinez v. United States*, 136 S.Ct. 1338 (2016). However, *Molina-Martinez* is not relevant to this case. All that the Court there held was that a defendant who was sentenced under the incorrect Sentencing Guideline is entitled to a resentencing.

A separate order denying McLean's petition is being entered herewith.

Date:


J. Frederick Motz
United States District Judge

DEPUTY
CLERK'S OFFICE
AT BALTIMORE

2017 FEB 15 AM 2:49
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
FILED